

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

**BILLY G. ASEMANI,**  
**Plaintiff,**

v.

**Case No. 2:21-cv-04098**  
**JUDGE EDMUND A. SARGUS, JR.**  
**MAGISTRATE JUDGE KIMBERLY A. JOLSON**

**UNITED STATES VICTIMS OF STATE  
SPONSORED TERRORISM FUND,**  
**Defendant.**

**ORDER**

This matter is before the Court on what Plaintiff has captioned “PLAINTIFF'S RESPONSE TO THE COURT'S 9/12/22 ORDER.” (ECF No. 52). Plaintiff seeks to reconsideration of this Court's ruling. In the order at issue, Magistrate Judge Kimberly A. Jolson denied with prejudice Plaintiff's request for the appointment of counsel. In light of this order (ECF No. 50) denying Plaintiff's Motion for Appointment of Counsel (ECF No. 48), the instant matter is **MOOT**. As such, the Court **DENIES** Plaintiff's motion. The Court also **DENIES** as **MOOT** Plaintiff's Motion to File Sur-Reply Under Seal. (ECF No. 54).

Even if Plaintiff's Sur-Reply was heard, this Court could reach no other decision. As Magistrate Judge Jolson noted in her order denying the appointment of counsel: “Generally, a motion to appoint counsel is appropriate after a complaint survives motions to dismiss and motions for summary judgment.” (ECF No. 50). Plaintiff's complaint has not yet survived a motion to dismiss or motion for summary judgment. As such, Plaintiff's motion (ECF No. 52) is

not appropriate, and is **DENIED**. Plaintiff's Motion to File Sur-Reply Under Seal (ECF No. 54) is **DENIED** as **MOOT**. This case is to remain open

**IT IS SO ORDERED.**

**11/22/2022**  
**DATE**

**s/Edmund A. Sargus, Jr.**  
**EDMUND A. SARGUS, JR.**  
**UNITED STATES DISTRICT JUDGE**

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